

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

SEP 24 2019
David J. Bradley, Clerk

United States of America

v.

Anastacio SAN MIGUEL-Padron
YOB: 1975, COC: Mexico

Case No.

M-19-2292-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 23, 2019 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

18 United States Code § 554

Offense Description

Did knowingly and willfully attempt to export or send from the United States, any merchandise, article, or object, to wit: approximately 1,100 rounds of .40 caliber/.38 Super/ 9mm caliber ammunition and One (1) 75-round 7.62X39mm high-capacity firearm magazine, contrary to any law or regulation of the United States, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise, article or object, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States.

This criminal complaint is based on these facts:

SEE ATTACHMENT "A"

✓ Continued on the attached sheet.

approved by Scott V. Greenbaum, AUSA
Scott V. Greenbaum, AUSA 9/24/19

Sworn to before me and signed in my presence.

Date:

9/24/2019

City and state:

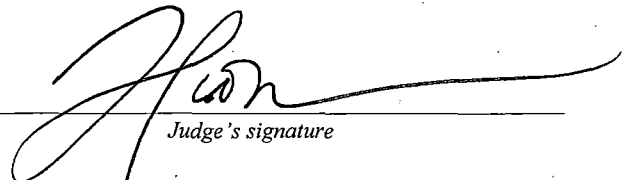
McAllen, Texas



Complainant's signature

Gerardo Mercado, HSI Special Agent

Printed name and title



Judge's signature

J. Scott Hacker, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

- I. On September 23, 2019, U.S. Customs and Border Protection Officers (CBPOs) referred a gold Toyota van bearing Tamaulipas, Mexico license plates (hereinafter referred to as "Subject Vehicle") for an outbound inspection as the Subject Vehicle attempted to exit the United States into Mexico at the Hidalgo Port of Entry in Hidalgo, Texas (Hidalgo, Texas POE). The driver and sole occupant of the Subject Vehicle was later identified as Anastacio SAN MIGUEL-Padron, a citizen of Mexico, from Reynosa, Mexico.
- II. During the outbound inspection, SAN MIGUEL advised CBPOs that he had ammunition within the Subject Vehicle. Subsequently, CBPOs discovered approximately 1,100 rounds of .40 caliber/.38 Super/ 9mm caliber ammunition and One (1) 75-round 7.62X39mm high-capacity firearm magazine concealed within the Subject Vehicle.
- III. At the Hidalgo, Texas POE, HSI/CBP Agents advised SAN MIGUEL of his Miranda rights and he agreed to be interviewed by HSI/CBP Agents without an attorney present. SAN MIGUEL admitted to traveling from Reynosa, Mexico to Hidalgo County, Texas solely to procure ammunition and a high-capacity firearm magazine from the United States and intended to transport the ammunition and high-capacity firearm magazine into Mexico. SAN MIGUEL admitted he concealed the ammunition and high-capacity firearm magazine within the Subject Vehicle to avoid detection by Mexican law enforcement officials in Reynosa, Mexico.
- IV. According to the U.S. Department of State, Office of Defense Trade Controls Compliance (DTCC), the ammunition and firearm magazine discovered within the Subject Vehicle are determined to being defense articles described on the United States Munitions List (USML) and regulated for export pursuant to the Arms Export Control Act (Title 22 United States Code 2778).